SERVING CANADIANS

DEPARTMENT OF JUSTICE CANADA

Report on Plans and Priorities

2008-2009

Department of Justice Canada
Ministère de la Justice Canada

Canada

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SECTION I—OVERVIEW
Minister's Message

The Department of Justice plays an important and unique role – it works to develop law policy that helps ensure a fair, efficient and accessible justice system for all Canadians, and it provides legal support for the federal government.

Over the past two years, the Department has helped our Government respond to Canadians by working toward safer communities, and I commend the many talented and devoted employees who have been focussing their attention and energy on supporting our Government's commitment to tackling crime.

That attention has continued through the current session of Parliament. With the support of the Department, our Government introduced legislation that deals with impaired driving, identity theft, the age of protection, gun crimes and dangerous offenders. In addition, the Department played a vital role in supporting Public Safety Canada in the development of new legislation on security certificates, to address concerns voiced by the Supreme Court of Canada. Our Government also intends to introduce new laws to tackle property crime, including auto theft.

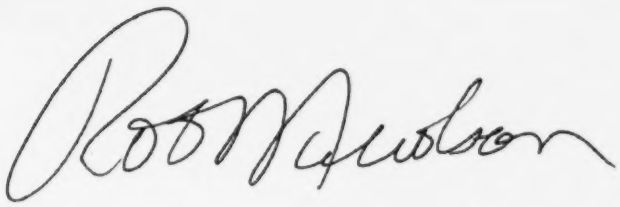
Building on this progress, this reporting period will see the Department dealing with drugs, youth and property crime through the Safer Communities Strategy. In 2008-2009, the Department will also launch a comprehensive review of the *Youth Criminal Justice Act*, following up on legislation that has been introduced to amend the *Act* to include deterrence and denunciation as principles of sentencing and to address the issue of pre-trial detention.

In line with the Government's commitment to strengthening the security of Canadians, the Department is helping the Government meet the extraordinary challenges presented by terrorism with the reinstatement of two important amended measures in the *Anti-Terrorism Act*.

We will continue to work closely with other departments and levels of government, the bench and the bar, the police, and others involved in the courts and the law enforcement community. For example, the Department will work with its partners, Health Canada and Public Safety Canada, to implement the National Anti-Drug Strategy, which aims to prevent illicit drug use, treat those with drug dependencies and combat drug production and distribution. It will also continue to provide advice, coordination and support for the Federal-Provincial-Territorial Working Group on Criminal Procedure to help make Canada's justice system more efficient and effective.

In addition, my officials will focus on ensuring that the Department of Justice is well positioned to meet the legal services needs of our colleagues across government. More precisely, they will address law practice management issues, and enable employees to meet the challenges of new and emerging issues through the Public Service Renewal initiative.

I look forward to working over the coming year to ensure that our Government has effective and responsive legal services, and that Canadians have a justice system that reflects our values as a nation.



The Honourable Robert Douglas Nicholson
Minister of Justice and Attorney General of Canada

Deputy Minister's Message

The Department occupies a unique position within the federal government. It is a policy department that supports the Minister of Justice in maintaining a national bilingual and bijural legal framework responsive to the needs of Canadians. Section II of this report highlights the Department's main activities and commitments in support of the Minister's and the Government's priorities.

The Department is also a common service provider that supports the federal government with an integrated suite of legal advisory, litigation and legislative/regulatory drafting services. Section II of this report outlines many of the activities and commitments that the Department will be engaged in during the reporting period in support of our colleagues across government.

Given the Department's unique position, we strive for excellence in the practice of law. In this regard, the Department has been recognized as a leader in Canada and internationally and we will continue to be at the forefront of legal issues that are relevant to the daily lives of Canadians. In order to continue to uphold this tradition of excellence, we will focus on public service renewal strategies in keeping with the broader priorities for the public service identified by the Clerk of the Privy Council. As well, we will continue our efforts to address law practice management issues. We will also continue to develop and enhance our capacity to meet the challenges of new and emerging issues in areas such as international and commercial law as well as new challenges in the ever evolving field of Aboriginal law.

As I have indicated over the last two planning cycles, the Department is also committed to management excellence and in this regard we will continue to be active participants in the government-wide initiative to develop and maintain strong Management Accountability Framework (http://www.tbs-sct.gc.ca) ratings. A detailed discussion of our management priorities for the planning period is addressed in Section IV of this report.

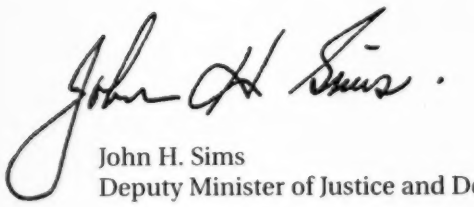
The planned spending and commitments presented in this report reflect the Department of Justice's efforts to support the delivery of the Government's agenda as well as the alignment of its Program Activity Architecture, Management Resources and Results Structure and performance framework to the high level strategic outcomes identified by the Government in its overall Report on Plans and Priorities.

Management Representation Statement

I submit for tabling in Parliament, the 2008-2009 Report on Plans and Priorities (RPP) for the Department of Justice of Canada.

This document has been prepared based on the reporting principles contained in *Guide for the Preparation of Part III of the 2008–2009 Estimates: Reports on Plans and Priorities and Departmental Performance Reports*:

- It adheres to the specific reporting requirements outlined in the Treasury Board of Canada Secretariat guidance;
- It is based on the department's strategic outcome(s) and Program Activity Architecture that were approved by the Treasury Board;
- It presents consistent, comprehensive, balanced and reliable information;
- It provides a basis of accountability for the results achieved with the resources and authorities entrusted to it; and
- It reports finances based on approved planned spending numbers from the Treasury Board of Canada Secretariat.



John H. Sims
Deputy Minister of Justice and Deputy Attorney General of Canada

Raison d'être

The justice system defines and prescribes the balance between collective and individual rights and responsibilities that ensure a well-ordered society. As such, it affects almost every facet of Canadians' daily lives from guiding everyday activities that ensure our safety to supporting social policies and social benefits, regulating our economy, and offering ways to resolve disputes peacefully where there are disagreements or conflicts between people, organizations, and/or governments.

Maintaining a system that serves all Canadians is a central focus for the Department of Justice (DOJ), which strives to ensure that the system remains fair, accessible and efficient as it evolves in response to social change.

The Department of Justice plays an important role in supporting the Government's priority of protecting Canadian families and communities. Furthermore, the Department is a Federal Organization that supports all of the Government of Canada's priorities through its provision of legal services to federal departments and agencies.

Role of the Department

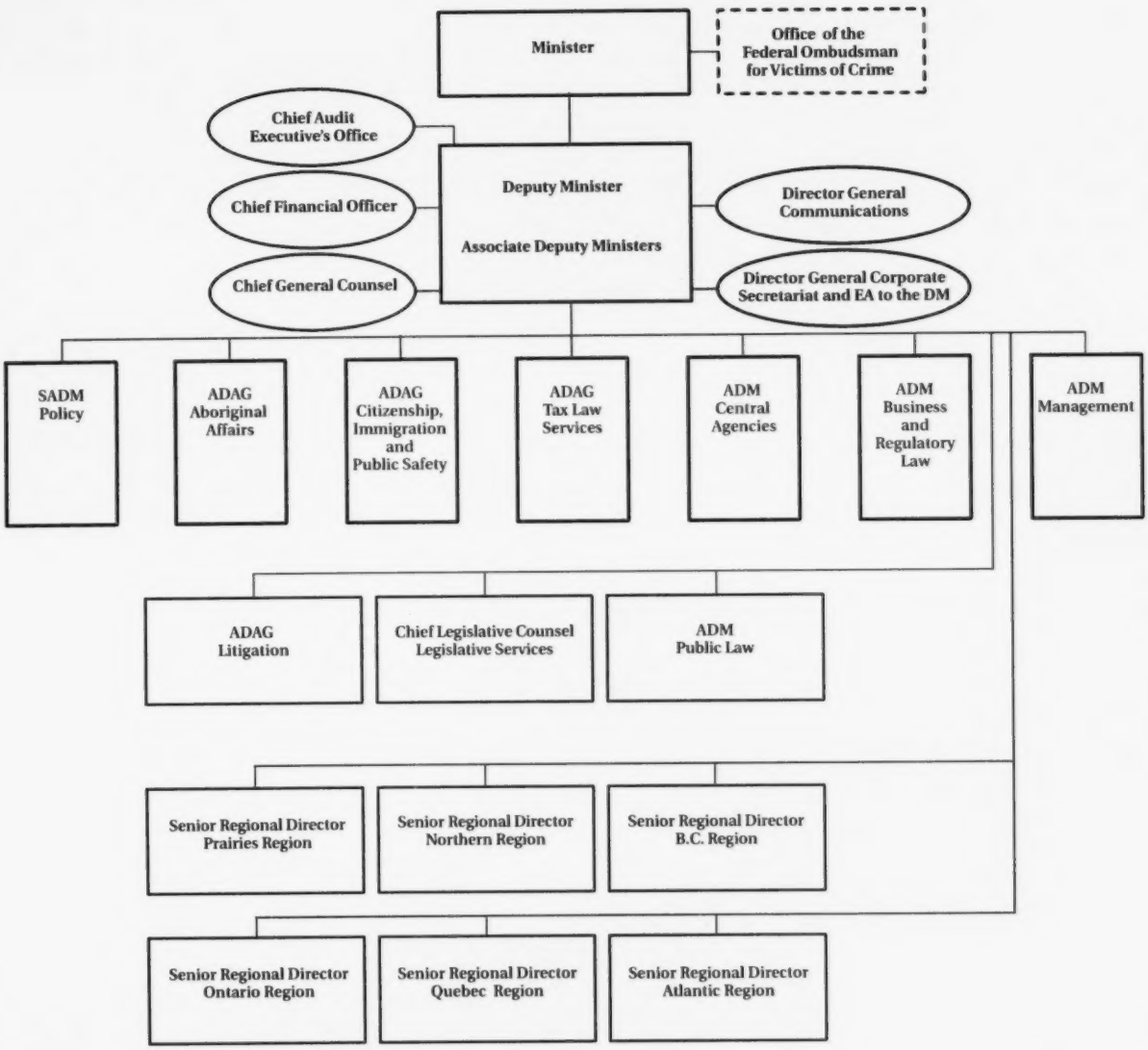
The Department of Justice is headed by the Minister of Justice and the Attorney General of Canada. The responsibilities of the Minister and the Attorney General are set out in the *Department of Justice Act* and 47 other Acts of Parliament. The Department of Justice fulfils three distinctive roles within the Government of Canada, acting as a:

- policy department with broad responsibilities for overseeing all matters relating to the administration of justice that fall within the federal domain;
- provider of a range of legal advisory, litigation and legislative services to government departments and agencies; and
- central agency responsible for supporting the Minister in advising Cabinet on all legal matters including the constitutionality of government initiatives and activities.

The Department's mission is to:

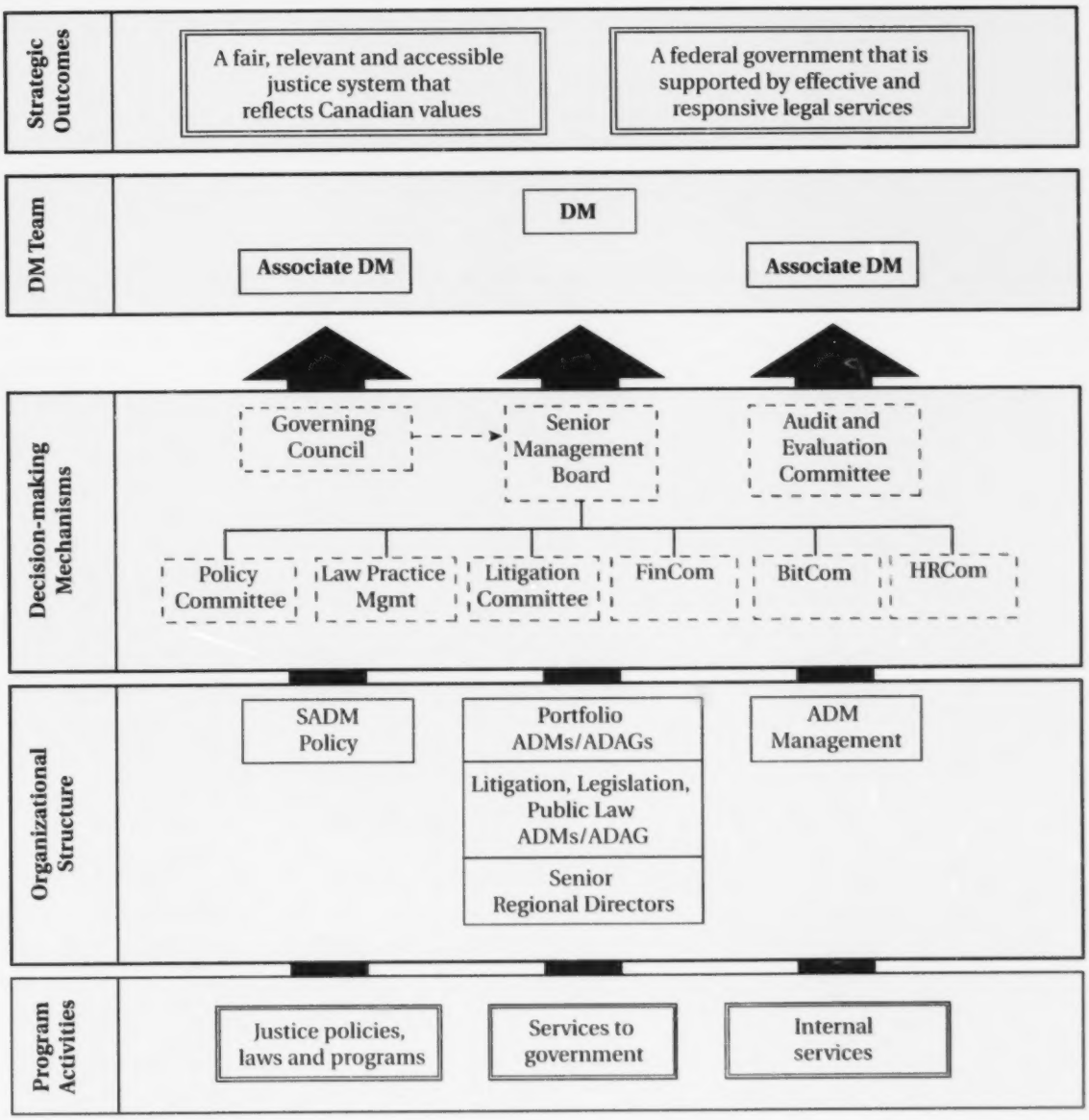
- Support the Minister of justice in working to ensure that Canada is a just and law-abiding society with an accessible, efficient and fair system of justice;
- Provide high-quality legal services and counsel to the government and to client departments and agencies; and
- Promote respect for rights and freedoms, the rule of law and the Constitution.

Organizational Chart


Minister
Office of the Federal Ombudsman for Victims of Crime
Chief Audit Executive's Office
Deputy Minister
Associate Deputy Ministers
Chief Financial Officer
Director General Communications
Chief General Counsel
Director General Corporate Secretariat and EA to the DM
SADM Policy
ADAG Aboriginal Affairs
ADAG Citizenship, Immigration and Public Safety
ADAG Tax Law Services
ADM Central Agencies
ADM Business and Regulatory Law
ADM Management
ADAG Litigation
Chief Legislative Counsel Legislative Services
ADM Public Law
Senior Regional Director Prairies Region
Senior Regional Director Northern Region
Senior Regional Director B.C. Region
Senior Regional Director Ontario Region
Senior Regional Director Quebec Region
Senior Regional Director Atlantic Region

DM -	Deputy Minister
SADM -	Senior Assistant Deputy Minister
ADM -	Assistant Deputy Minister
ADAG -	Assistant Deputy Attorney General

Highlights of the Governance Framework



Department of Justice Program Activity Architecture 2008-2009

Strategic Outcomes	**A fair, relevant and accessible justice system that reflects Canadian values**	**A federal government that is supported by effective and responsive legal services**	
	A1 Justice policies, laws and programs	**B1 Services to government**	**C1 Internal services***
	A1.1 Aboriginal justice	B1.1 Legal services to government-at-large and the Justice Portfolio	C1.1 Management and Oversight Services
	A1.2 Criminal justice	B1.2 Legal services to the Aboriginal Affairs Portfolio	C1.2 Evaluation Services
	A1.3 Family justice	B1.3 Legal services to the Business and Regulatory Law Portfolio	C1.3 Internal Audit Services
	A1.4 Access to justice	B1.4 Legal services to the Central Agencies Portfolio	C1.4 Public Affairs/ Communications Services
	A1.5 Private international and public law	B1.5 Legal services to the Citizenship, Immigration and Public Safety Portfolio	C1.5 Financial Management Services
	A2 Office of the Federal Ombudsman for Victims of Crime	B1.6 Legal services to the Tax Law Portfolio	C1.6 Human Resources Management
			C1.7 Information Management Services
			C1.8 Information Technology Services
			C1.9 Legal Services
			C1.10 Other support services

* It should be noted that Program Activity C1 – Internal services is proportionally allocated across program activities A1, A2 and B1 and therefore does not appear in financial tables.

Organizational Information

The Department of Justice is a medium-sized department with approximately 4,300 employees. While roughly one half of departmental staff are lawyers, there are a number of other committed professionals including paralegals, social scientists, program managers, communications specialists, administrative services personnel, computer service professionals and financial officers.

The Department provides legal services to government on a "portfolio" basis. Six Portfolios, described in greater detail in Section II, encompass the entire range of federal departments and agencies. The department delivers services through a mix of co-located departmental legal services units, specialized branches located within the Department of Justice and a network of six regional offices located across the country.

The Department also maintains a policy and program development capacity in order to fulfil core departmental responsibilities associated with the administration of justice in Canada and to support the government of Canada's policy and program priorities related to safety and security. To these ends, the Department develops and maintains strong working relationships with policy and program partners across the federal government as well as with counterparts in the provinces and territories and partners in non-governmental organizations and international institutions and organizations.

Governance Framework

The Governance Framework (p. 7), which maps the departmental organizational structure to the Program Activity Architecture (p. 8), visually demonstrates the structure and decision-making mechanisms for priority setting, resource allocations/reallocations and how the Department coordinates and manages towards the achievements of its two core strategic outcomes – a fair, relevant and accessible justice system; and effective and responsive legal services to government.

The Governance Framework is led by the DM Team which consists of the Deputy Minister, John Sims, and Associate Deputy Ministers Donna Miller and Yves Côté. Together the DM Team shares the workload and authority of the office of the Deputy Minister in supporting the Minister and in providing active leadership in the delivery of timely and effective advice and legal services to client departments and the DM community in support of Government priorities and results for Canadians.

This approach to governance has been chosen to ensure that deputy-level attention is brought to bear on important departmental and whole-of-government files. To this end, each member of the DM Team assumes responsibility for providing guidance, direction and support to a number of Direct Reports across the Department in order to ensure that all senior executive managers have a direct link with a member of the DM Team on key files and on management issues.

DM Team Members

Deputy Minister John Sims provides direction and guidance to the Direct Reports responsible for the Policy Sector and the Management Sector as well as the Chief Financial Officer, the Chief Audit Executive and the Director General Communications. The DM is also the primary point of departmental liaison with the Minister and for supporting the Minister in his role as the legal advisor to Cabinet.

Associate Deputy Minister Donna Miller provides vision and leadership in the strategic management of the Justice Portfolio including the ongoing provision of guidance and direction to the Direct Reports responsible for the Litigation, Legislative Services and Public Law Branches. Associate DM Miller is also the direct link to the DM Team for the Aboriginal Affairs Portfolio and for the Northern, Prairies and British Columbia Regional Offices of the Department. As well, the Criminal Conviction Review Group reports through the Associate's Office.

Associate Deputy Minister Yves Côté provides leadership and guidance across the Department, and liaison with key stakeholders in Québec and la Francophonie, regarding legal dualism, bi-juralism, and official languages in the law and the justice system. He is the direct link to the DM Team for the Direct Reports responsible for the Business and Regulatory Law, Central Agencies, Citizenship Immigration and Public Security, and Tax Law Services Portfolios, as well as for the Atlantic, Quebec and Ontario Regional Offices. Associate DM Côté also provides ongoing liaison and partnership with senior Provincial and Territorial officials in addressing issues of mutual federal-provincial-territorial interest related to an efficient and sustainable justice system.

Decision-Making Mechanisms

A key feature of the Governance Framework is the range of committees which serve as the key fora for discussing and resolving key horizontal substantive and management issues among the senior executive management cadre across the Department.

Governing Council is an important advisory body to the DM Team, consisting of the Direct Reports responsible for the Portfolios, Specialized Branches, Policy Sector and the Department's Regional offices. Governing Council meets at least three times per year and is charged with identifying the Department's medium to long-term strategic vision.

The Senior Management Board (SMB) is the most senior decision-making body in the Department. Consisting of the DM Team plus the chairpersons of the six standing committees, SMB meets weekly and considers all major substantive and management issues for decision.

The SMB is supported by six standing committees consisting of members drawn from the senior executive management cadre. The Standing Committees are where individual proposals or issues are brought for consideration and, where Standing Committee support is garnered, recommendation to SMB.

The Standing Committees are:

Finance Committee (FinCom) considers and makes recommendations to SMB on all matters having significant financial implications, including budgets, investments, resource allocations/reallocations and risk mitigation strategies in line with departmental and program priorities.

Human Resources Committee (HRCom) oversees the successful implementation of key human resources legislation, initiatives and priorities. HRCom recommends the human resources vision, direction, strategic plans and related change management strategies to SMB.

Information Management and Technology Committee (BitCom) approves operational plans, priorities, funded investments, as well as major policies and standards in the areas of knowledge management, information management and information technology for the Department. BitCom also recommends to FinCom priority investments for possible funding from the Departmental Reserve.

Policy Committee is the senior forum for substantive discussion and decision-making on departmental and government-wide policy issues and emerging legal issues affecting policy. The Committee meets monthly in order to deliberate and guide the development of the justice policy agenda, ensure linkages with broad federal priorities and a whole of government approach, and to provide direction on approaches and strategies to operationalize key policy directions.

National Litigation Committee monitors significant litigation which could have an important impact on the law or the Government's interests. The Committee considers and advises on all litigation, regardless of court level. The Committee ensures that consistent positions are taken in litigation, that the Attorney General acts as a model litigant, that necessary consultations across government are undertaken, and that appropriate advice is given to the Deputy Minister, the Attorney General and the Government in significant litigation. Regional Litigation Committees feed into the National Committee and function as an integrated component.

Law Practice Management Committee provides a national forum for practitioners and managers to discuss issues of importance to the practice of law including horizontal initiatives, tools and approaches developed to support the management of the delivery of legal services.

The Department also has an *Audit and Evaluation Committee* which assists the Deputy Minister to discharge his responsibilities with respect to the Government's internal audit and evaluation policies. The Committee examines on an annual basis the internal audit and programme evaluation plans of the Department and serves as a decision-making body on all evaluation and audit activities.

Factors influencing our operating environment

There are many factors that influence our operating environment and thus have impacts on our policy and program development and implementation activities as well as our ability to effectively manage and deliver high quality legal services.

Public Confidence in the Justice System

Canadians rely on the justice system to provide an independent and impartial forum for resolving disputes. The Department is keenly interested in the degree to which the public has confidence in the justice system at large. As follow-up to two studies on levels of public confidence in the justice system completed in 2006-2007,[1] the Department will once again survey Canadians through the National Justice Survey in 2008-2009 to assess whether or not there have been any changes in these levels.

As well, we will continue to monitor perceptions of transparency and accountability, cornerstones of public confidence, including those as evidenced in the annual Corruptions Perceptions Index produced by Transparency International and as outlined in the *United Nations Convention Against Corruption.*

Jurisprudence and Legal Trends

As the Government's "law firm", it is incumbent upon Justice counsel to assess the implications of a wide variety of outcomes in the court system – both civil and criminal – and incorporate these analyses in the delivery of legal advisory, litigation and legislative services with a view to effectively managing legal risk. The Department must also continuously assess its capacity to address emerging issues such as those in the areas of international, Aboriginal and commercial law.

1 *Public Confidence in the Justice System* (McDonald et. al., March 2007) and *The 2007 National Justice Survey: Tackling Crime and Public Confidence* (Latimer and Desjardins, June 2007).

Working with others

The justice system is multi-tiered and includes other participants such as nongovernmental and community-based organizations with whom we work to generate innovative ideas about how to improve access to the justice system, while respecting the diverse nature and needs of all Canadians. Similarly, we work with federal departments and agencies in areas such as safety and security and Aboriginal justice to help achieve overarching Government of Canada strategic outcomes. Some of the others with whom we work include:

- the Canadian public, including non-governmental and community-based organizations, and representatives of official language minority communities;
- Parliamentarians;
- the Judiciary, the Bar, la Chambre des notaires du Québec;
- law faculties and the research community;
- approximately 50 federal client departments and agencies [2];
- Provinces and Territories; and
- foreign governments and international organizations, directly and in conjunction with Foreign Affairs Canada and the Canadian International Development Agency.

2 While the Department refers to federal departments and agencies as "clients" for ease of understanding, it is important to note that all work is done on behalf of the Crown, not a specific branch of the Government of Canada.

Program Activity Architecture (PAA) Crosswalk

	($ millions)	NEW PAA (2008-2009)			
		Justice policies, laws and programs (A1)	The Office of the Federal Ombudsman for Victims of Crime (A2)	Services to government (B1)	**Total Planned Spending**
OLD PAA (2007-2008)	Developing Policies and Law (A1)	47.0			**47.0**
	Developing and Implementing Programs (A2)	373.0			**373.0**
	Office of the Federal Ombudsman for Victims of Crime (A3)		1.5		**1.5**
	Providing Legal Advisory, Litigation and Legislative Services to Government (B1)	3.9		471.6	**475.5**
	Total	**423.9**	**1.5**	**471.6**	**897.0**

Note 1: The Office of the Federal Ombudsman for Victims of Crime authority is included in the Department of Justice's main estimates but the Ombudsman reports independently to the Minister of Justice.

Planned Spending

Voted and Statutory Items displayed in the Main Estimates ($ millions)

Vote or Statutory Item	Truncated Vote or Statutory Wording	**2008–2009 Main Estimates**	2007–2008 Main Estimates
1	Operating expenditures	**265.4**	262.0
5	Grants and contributions	**367.5**	266.4
(S)	Minister of Justice—Salary and motor car allowance	**0.1**	0.1
(S)	Contributions to employee benefit plans	**63.3**	67.2
	Total Department of Justice	**696.3**	**595.7**

Note 1: Main estimates exclude the funds provided under Net Voting Authority except EBP portion.

Departmental Planned Spending and Full Time Equivalents

($ millions)	Forecast Spending 2007-2008	Planned Spending 2008-2009	Planned Spending 2009-2010	Planned Spending 2010-2011
Justice Policies, laws and programs	314.5	415.2	413.6	408.0
The Office of the Federal Ombudsman for Victims of Crime	0.0	1.5	1.5	1.5
Services to Government	281.2	279.6	272.3	266.9
Total Main Estimates	**595.7**	**696.3**	**687.4**	**676.4**
Adjustments (Note 1 and Note 2):				
Youth Justice Services	53.8			
Legal Aid	44.3			
Aboriginal Justice Strategy - Renewal and Expansion	7.7			
Federal Victims' Strategy	8.7			
Commissions of Inquiry - Air India and Iacobucci	6.6	4.9		
Child-Centred Family Law Strategy	4.0			
Funding to provide services to government under Net Voting Authority *(Note 3)*	178	178	178	178
Immigration and Refugee Protection Act - Security Certificate	0.0	13.2	11.6	
Strengthening Enforcement - IMET		3.8	3.8	3.8
Other initiatives	0.2	0.8	1.1	0.2
Total Adjustments	*303.3*	*200.7*	*194.5*	*182.0*
Total Planned Spending	**899.0**	**897.0**	**881.9**	**858.4**
Total Planned Spending	899.0	897.0	881.9	858.4
Less: Non-Respendable Revenue	-39.4	-39.6	-39.8	-40.0
Less: Respendable revenue under Net Voting Authority *(Note 3)*	-178.0	-178.0	-178.0	-178.0
Plus: Cost of Services Received Without Charge	57.6	56.6	52.7	52.2
Net Cost of Program	**739.2**	**736.0**	**716.8**	**692.6**
Full Time Equivalents	**4,249**	**4,306**	**4,310**	**4,310**

Note 1: Adjustments for 2007-2008 include Supplementary Estimates (A) and (B) (EBP included). Adjustments for 2008-2009 and future years consists of amounts identified in the Expenditure Status Report dated January 18th, 2008.

Note 2: The amounts listed include funding associated with accommodation for PWGSC.

Note 3: Justice Canada was granted Net Voting Authority to spend and recover $178 million (excluding EBP which is in approved appropriation) in 2007-2008 which allows the Department to recover from client departments and agencies some of the costs incurred to deliver legal services. From 2008-2009 and thereafter, it is expected that Justice Canada will receive additional funding under net voting authority.

Note 4: The Office of the Federal Ombudsman for Victims of Crime authority is included in the Department of Justice's main estimates, but the Ombudsman reports independently to the Minister of Justice.

Summary Information

Financial Resources (in millions of dollars)

2008-2009	2009-2010	2010-2011
897.0	881.9	858.4

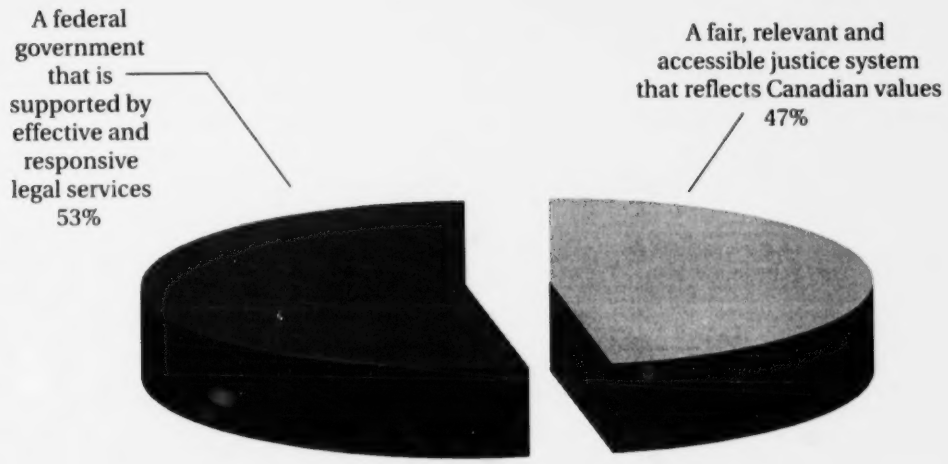
Human Resources (in full-time equivalents)

2008-2009	2009-2010	2010-2011
4,306	4,310	4,310

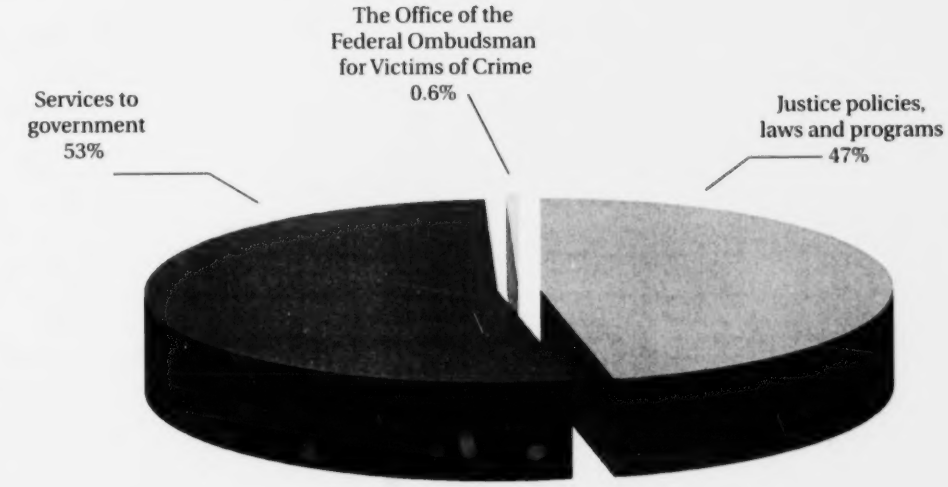
Program Activities by Departmental and Government of Canada Outcomes

($ millions)	Expected Results	Planned Spending 2008 2009	Planned Spending 2009 2010	Planned Spending 2010 2011	Contributes to the following Government of Canada Outcome
Strategic Outcome: A fair, relevant and accessible justice system that reflects Canadian values.					
Program Activity: A1 – Justice policies, laws and programs	Sustainable national justice system	423.9	420.9	411.8	*Safe and Secure Communities*
Program Activity: A2 – Office of the Federal Ombudsman for Victims of Crime	Reports to Parliament through Minister of Justice	1.5	1.5	1.5	*Safe and Secure Communities*
Strategic Outcome: A federal government that is supported by effective and responsive legal services.					
Program Activity: B1 – Services to government	Representing the Crown's interest to enable government to attain its priorities Comprehensive delivery on the Government's legislative agenda Client focussed service delivery	471.6	459.5	445.1	*Federal Organizations that support all departments and agencies through the provision of government services*

2008-2009 Planned Spending by Strategic Outcome


A federal government that is supported by effective and responsive legal services 53%
A fair, relevant and accessible justice system that reflects Canadian values 47%

2008-2009 Planned Spending by Program Activity


The Office of the Federal Ombudsman for Victims of Crime 0.6%
Services to government 53%
Justice policies, laws and programs 47%

SECTION II – ANALYSIS OF PROGRAM ACTIVITIES BY STRATEGIC OUTCOME

Strategic Outcome I: A fair, relevant and accessible justice system that reflects Canadian Values

The Department of Justice works with partners across the federal, provincial and territorial levels of governments and with stakeholders across Canada to develop and maintain a fair, relevant and accessible justice system that responds to Canadians' needs and expectations.

Program Activity: A1 – Justice policies, laws and programs

Financial Resources (in millions of dollars)

2008-2009	2009-2010	2010-2011
423.9	420.9	411.8

Human Resources (in full-time equivalents)

2008-2009	2009-2010	2010-2011
396	396	396

Under Canada's federal system, the administration of justice is an area of shared jurisdiction between the federal government and the provinces. Through this Program Activity, the Department fulfils its constitutional responsibility to ensure a bilingual and bijural national legal framework for the administration of justice by developing policies, laws and programs to strengthen the national framework within the following domains: Aboriginal justice, criminal justice (including youth criminal justice), family justice, access to justice and international public and private law.

As well, in recognition of the federal government's shared interest in a sustainable justice system, the Department also provides significant ongoing funding to provinces and territories for the delivery of programs aimed at the day to day administration of justice, including legal aid, youth justice services and Aboriginal Courtworkers.

The following sections provide more detail on some of the Department's key areas of focus for the planning period as well as the results for Canadians that are intended from these activities.

1. Criminal Justice

Within this domain, the Department monitors trends in criminal law, develops and implements options for criminal law reform and provides a centre of expertise for criminal law and procedure, criminal justice policy, sentencing and victims issues.

During the planning period, the Department will continue to address the critical intersection of drug, youth and property crime to ensure Canada's communities are safe, through a combination of law reform and other measures. Departmental efforts will also be focused on violent crime and victims of crime.

Drugs:

The Department's efforts on the drug file during 2008-2009 will be centred on the implementation of the National Anti-drug Strategy, with a clear focus on illicit drugs and a particular emphasis on youth. Its goal is to contribute to safer and healthier communities through coordinated efforts to prevent use, treat dependency and reduce production and distribution of illicit drugs. It encompasses three action plans: prevention, treatment and enforcement.

The prevention action plan supports efforts to prevent youth from using illicit drugs by enhancing their awareness and understanding of the harmful social and health effects of illicit drug use and to develop and implement community-based interventions and initiatives to prevent illicit drug use. The treatment action plan supports effective treatment and rehabilitation systems and services by developing and implementing innovative and collaborative approaches. And the enforcement action plan aims to contribute to the disruption of illicit drug operations in a safe manner, particularly targeting criminal organizations.

Many federal departments are engaged in a variety of programs and activities that support the Prevention, Treatment and Enforcement Plans. The Department of Justice leads this horizontal initiative, deals with appropriate penalties for drug crime, and is responsible for delivery of the Drug Treatment Courts and Youth Justice programs under the Strategy.

Through the Drug Treatment Courts Funding Program, the Department provides funding to maintain six Provincial courts in Vancouver, Edmonton, Regina, Winnipeg, Ottawa and Toronto. These six courts offer an alternative means of dealing with those accused of drug offences and are focused on offering a comprehensive approach to reducing the number of crimes committed to support drug dependence. Drug Treatment Courts which receive funding from the federal and provincial governments include the following interrelated components aimed at reducing drug substance relapses among drug treatment court clients: judicial supervision, comprehensive substance abuse treatment, random and frequent drug testing, incentives and sanctions, clinical case management, and social services support.

Expected Outcomes	Performance Indicators
Coordinated federal response to concerns around illicit drug prevention, treatment and enforcement	- Effective leadership of implementation of the National Anti-drug Strategy
Reduced drug substances relapse among drug treatment court clients	- Relapse recidivism rates among drug treatment court clients

Youth Criminal Justice:

Canadians expect a youth justice system that ensures fairness and effectiveness in the application of criminal law to young people. Young offenders, like adults offenders, must face meaningful consequences for serious crimes. In response, proposed amendments to the *Youth Criminal Justice Act* have been introduced in the House of Commons.The first amendment is to include deterrence and denunciation in the *Youth Criminal Justice Act* as sentencing principles. This proposed amendment would allow the judge to consider both of these objectives when considering what sentence to impose on a youth. The second amendment will ease restrictions in the area of pre-trial detention, making it easier for judges to detain a broader range of young persons who pose a risk to public safety.

In addition to advancing proposals to amend the *YCJA*, the Government will launch a comprehensive review of the *YCJA* in 2008, to ensure that the youth criminal justice system fairly and effectively holds young offenders accountable for criminal conduct.

The Government looks forward to hearing the views of all those interested in youth justice. The review will benefit from advice provided by provincial and territorial governments, who bring a unique and valued perspective to the review because of their role in administering youth justice in Canada, as well as the many others who have been and continue to be actively committed to youth justice matters.

The Youth Justice Fund provides resources to provinces and territories and non-governmental organizations to support a variety of activities that respond to emerging issues and challenges in the youth justice system as well as to encourage innovation. In 2008-2009, this Fund will continue to implement two on-going priorities – Youth Crime Prevention (Guns, Gangs and Drugs) and the Youth Justice Anti-Drug Treatment Component. The first priority emphasizes developing projects that work with youth at-risk or involved in gangs, in order to help them make pro-social choices and resist gang involvement. The second priority is in response to the Treatment Action Plan under the National Anti-Drug Strategy which will target youth in the justice system who are addicted to illicit drugs.

The Department will also continue to implement and manage the Youth Justice Services Funding Agreements with the provinces and territories to ensure that they continue to sustain the programs and services for youth offenders that are essential to achieving federal youth justice policy objectives. In addition, the Department will finalize and implement new funding agreements with the provinces and territories for the Intensive Rehabilitative Custody and Supervision Program (IRCS), with a view to ensuring that all jurisdictions have the capacity to offer specialized assessment and treatment services to serious, violent youth offenders with mental health problems.

The table below identifies three core expected outcomes (and the associated performance indicators), which the Department seeks to achieve through its key areas of focus, including: a youth justice system that responds to emerging issues and encourages innovation; a sustainable youth justice system that is capable of innovation and supporting federal youth justice priorities; and, that jurisdictions have the capacity to implement sentencing options that provide specialized treatment programs for serious, violent youth offenders.

Expected Outcomes	Performance Indicators
A youth justice system that responds to emerging issues and encourages innovation	- Issues and priorities identified to respond to challenges in the youth justice system - Federal contribution as a percentage of total expenditures of all levels of government on youth justice - Incidence of provincial/territorial delivery of high federal priority services for youth offenders – rehabilitation, re-integration, intensive support and supervision, attendance programs
A sustainable youth justice system that is capable of innovation and supporting federal youth justice priorities	- Federal contribution as a percentage of total expenditures of all levels of government on youth justice - Incidence of provincial/territorial delivery of high federal priority services for youth offenders – rehabilitation, re-integration, intensive support and supervision, attendance programs
Jurisdictions have capacity to implement sentencing options that provide specialized treatment programs in the administration of appropriate sentencing for serious violent youth offenders	- Orders issued for specialized treatment by jurisdiction - Cases receiving specialized treatment

Property Crime:

The Department will continue to pursue legislative changes to address the serious problem of identity theft, through changes to the *Criminal Code* that will permit police to intervene at an earlier stage of criminal operations, before identity fraud or other identity related crimes are attempted or committed. We will also pursue new measures to address the serious problem of auto theft.

Expected Outcomes	Performance Indicators
Criminal law is reformed to respond to concerns around property crime	- Amendments to the *Criminal Code* are advanced to address property crime issues

Violent Crime:

The Department will continue its work to implement the Tackling Violent Crime Strategy as well as the complementary Safer Community Strategy during 2008-2009. This includes advancing proposed legislation regarding mandatory penalties for gun crimes and stricter bail conditions for those charged with firearms offences. As well, tougher sentencing and management of sexual or violent offenders, an increased age of protection to further protect young persons from sexual exploitation, and improved laws for impaired driving will move forward. The Department will continue to identify the need for further reforms and to develop options for reforms to address emerging issues and to ensure that the criminal justice system is efficient.

Expected Outcomes	Performance Indicators
Criminal law is reformed to respond to concerns around violent crime	- Tackling Violent Crime legislation is advanced

Victims of Crime Initiative:

Under the umbrella of the Federal Strategy for Victims of Crime, the Department is mandated to work toward improving the experience of victims of crime in the criminal justice system by pursuing a range of activities and initiatives to:

- ensure that victims of crime and their families are aware of their role in the criminal justice system and services and of the assistance available to support them;
- enhance departmental capacity to develop policy, legislation and other initiatives which take into consideration the perspectives of victims;
- increase the awareness of criminal justice personnel, allied professionals and the public about the needs of victims of crime, legislative provisions designed to protect them and services available to support them;
- develop and disseminate information about effective approaches both within Canada and internationally to respond to the needs of victims of crime; and
- enhance victim participation in the criminal justice system.

The Department has a close working relationship with the provinces and territories that are tasked with the responsibility for victim service delivery and the provision of criminal injuries compensation to victims of violent crime, where such programs exist. As noted in the table below, the core expected outcome (and associated performance indicators) is to improve the experience of victims of crime in the criminal justice system.

Over the planning period, the Department will focus on implementing the existing and recently enhanced components of the Federal Strategy for Victims of Crime and the Victims Fund; undertake consultations with key stakeholders and partners on victim issues; monitor progress on implementation of *Criminal Code* provisions intended to benefit victims of crime; lead the annual National Victims of Crime Awareness Week; support communities to participate in National Victims of Crime Awareness Week (April 14-18, 2008) and organize a federal symposium to start the week; and establish effective relationships with the Office of the Federal Ombudsman for Victims of Crime and ensure responses to the Ombudsman's enquiries and recommendations are coordinated and provided in a timely manner.

Expected Outcomes	Performance Indicators
The experience of victims in the justice system is improved.	- Perceptions of victims of crime/ results of victims' feedback survey on their experience in the justice system - Number of registered victims receiving financial support to attend National Parole Board hearings - Number and nature of projects and activities supported that address needs of victims of crime - Perceptions of stakeholders (criminal justice professionals, victims services) - *Criminal Code* provisions intended to benefit victims are implemented

2. Family Justice

Within this domain, the Department develops and implements policy and program initiatives affecting Canadian families, children and young people. During the planning period the Department will continue working with provinces and territories to develop family justice policies that promote compliance with family law obligations to make the justice system fair and accessible. This process will aim to improve access to justice by taking into account the needs of all Canadians including Aboriginal groups and minority communities (immigrants, official languages communities).

Expected Outcomes	Performance Indicators
Increased compliance by parents with the terms and conditions of family law support and access orders	- Trends in compliance with terms and conditions contained in family law orders

3. Access to Justice

Under this rubric, the Department promotes access to the justice system by working with provinces and territories, non-governmental and community-based organizations to develop and implement policies and laws that enhance access to justice, including access to justice in both official languages, while respecting the diverse nature and needs of all Canadians. We also work with other federal partners to promote access to justice and the rule of law internationally. Over the planning period, the Department will focus its efforts in two core areas – legal aid and international technical legal assistance.

Legal Aid:

The Department provides significant, ongoing funding to the provinces for criminal legal aid, in support of the Department's policy objective that economically disadvantaged adults facing serious and/or complex criminal charges and youth charged under the *Youth Criminal Justice Act* receive legal aid services. Over the next year, the Department will focus on implementing new Legal Aid agreements and will continue to work in collaboration with jurisdictions to develop a sustainable legal aid strategy.

Expected Outcomes	Performance Indicators
Provinces are assisted to deliver criminal and immigration and refugee legal aid to eligible persons	- Federal Contributions for criminal legal aid as a percentage of eligible provincial expenditures on legal aid - Number of applications for criminal legal aid and percentage rejected on the basis of eligibility - Federal contributions for immigration and refugee legal aid as a percentage of allowable provincial immigration and refugee legal aid expenditures.

International technical legal assistance:

The Department provides significant support for Canada's international and foreign policy objectives through the development and implementation of international technical legal assistance projects. Over the next year, the Department will continue to work with its federal partners, Foreign Affairs Canada and the Canadian International Development Agency, to promote foundational Canadian values of freedom, democracy, human rights and the rule of law in transitional and fragile foreign countries.

Expected Outcomes	Performance Indicators
Transitional and fragile foreign countries receive technical legal assistance needed to build, reform and strengthen their legal systems.	- Number of countries with which the Department shares technical knowledge and expertise - Nature of technical knowledge and expertise shared

4. Aboriginal Justice

Within this domain, the Department develops and implements policy and laws aimed at addressing the needs of Aboriginal people in the justice system. It has been widely documented that Aboriginal people continue to be over-represented in the Canadian criminal justice system, both as victims and accused. The needs of Aboriginal people related to culture, economic position and/or social circumstances must be taken into account to make the system more relevant and effective.

The Department takes specific measures to respond to the over-representation of Aboriginal Canadians in the justice system through initiatives such the Aboriginal Justice Strategy (AJS) and the Aboriginal Courtwork Program (ACW). The AJS strengthens the justice system by enabling Aboriginal communities to have increased involvement in the local administration of justice and by providing timely and effective alternatives to mainstream justice processes in appropriate circumstances, thereby allowing the mainstream judicial system to focus its energies and resources on more serious offences.

Over the planning period, the Department will continue implementation of the renewed and enhanced AJS, in collaboration with the provinces, territories and Aboriginal communities, with an emphasis on ensuring the sustainability of existing community-based justice programs, as well as increasing the reach of the AJS to new communities, particularly in the North, in urban areas, and those with a focus on youth. The Department will also support Aboriginal communities with AJS programs to provide better and more timely information on the results of their community-justice programs.

The Department increases access to justice for Aboriginal people by providing ongoing contribution funding to the provinces for the Aboriginal Courtwork Program to ensure that Aboriginal people in contact with the criminal justice system receive fair, equitable, culturally sensitive treatment. The Aboriginal Courtwork Program works within the mainstream justice system to provide direct services (information, non-legal advice and referrals) to all Aboriginal people (adult and youth) in conflict with the justice system and facilitates communication between the accused and criminal justice officials.

Over the planning period, the Department will complete the summative evaluation of the Aboriginal Courtwork Program, renew the ACW Program's Terms and Conditions and enter into new 5 year contribution agreements with the provinces effective April 1, 2008.

Expected Outcomes	Performance Indicators
Increased involvement of Aboriginal communities in the local administration of justice	- Number of communities with Aboriginal Justice Strategy projects - Number of communities undertaking capacity building and training to support the administration of justice - Number of clients served by Aboriginal Justice programs (year over year data)
Reduced recidivism rates among AJS participants	- Rate of Aboriginal recidivism for AJS participants
Aboriginal people charged with an offence have access to culturally sensitive services	- Number of Aboriginal people charged with an offence who received culturally sensitive services from an Aboriginal Courtworker

Program Activity: A2 – The Office of the Federal Ombudsman for Victims of Crime

This program activity raises awareness of the needs and concerns of victims in areas of federal responsibility provides an independent resource that addresses complaints of victims about compliance with the provisions of the *Corrections and Conditional Release Act* that apply to victims of offenders under federal supervision, and assists victims to access existing federal programs and services.

The Federal Ombudsman reports directly to the Minister of Justice and tables his reports to Parliament through the Minister. [3]

3 For further information regarding the Office of the Federal Ombudsman for Victims of Crime see: http://www.victimsfirst.gc.ca/index.html.

Strategic Outcome II: A federal government that is supported by effective and responsive legal services

Under the *Department of Justice Act*, the Minister of Justice and Attorney General provides legal services to the federal government and its department and agencies. These services include the provision of legal advice, the conduct of litigation, the drafting of legislation and regulations, and the preparation of legal documents.

Program Activity: B1 – Services to government

The Department of Justice is one of a number of key federal organizations that supports all Government of Canada outcomes by providing common services to government departments and agencies. In this regard, the Department of Justice is responsible for the legal affairs of the government as a whole. As a common service provider, it offers an integrated suite of legal services to individual departments and agencies through functions related to the offices of the Attorney General and the Minister of Justice. These services include the provision of legal advice, the drafting of legislation and regulations, and the coordination and conduct of litigation to facilitate the work of departments and agencies to meet their policy and programming priorities and advance the overall objectives of the government. During the fiscal year 2006-07, the Department's active file inventory included 66,564 files – approximately 57 percent were litigation files, 38 percent were advisory files and the remaining 5 percent were legislative files.[4]

Financial Resources (in millions of dollars)

2008-2009	2009-2010	2010-2011
471.6	459.5	445.1

Human Resources (in full-time equivalents)

2008-2009	2009-2010	2010-2011
3,904	3,908	3,908

As the government's law firm, the Department is structured in a way that maximizes effectiveness in serving our clients' needs. To this end, the Department delivers services through six "portfolios" – Aboriginal Affairs; Tax Law; Citizenship, Immigration and Public Safety; Central Agencies; Business and Regulatory Law; and the Justice Portfolio.

4 Department of Justice Canada Performance Report for the period ending March 31st, 2007, p. 38, www.tbs-sct.gc.ca.

This portfolio approach to service provision is aimed at ensuring consistency of positions on important points of law, and in policies, programs, legislative and regulatory law initiatives developed across the federal government.

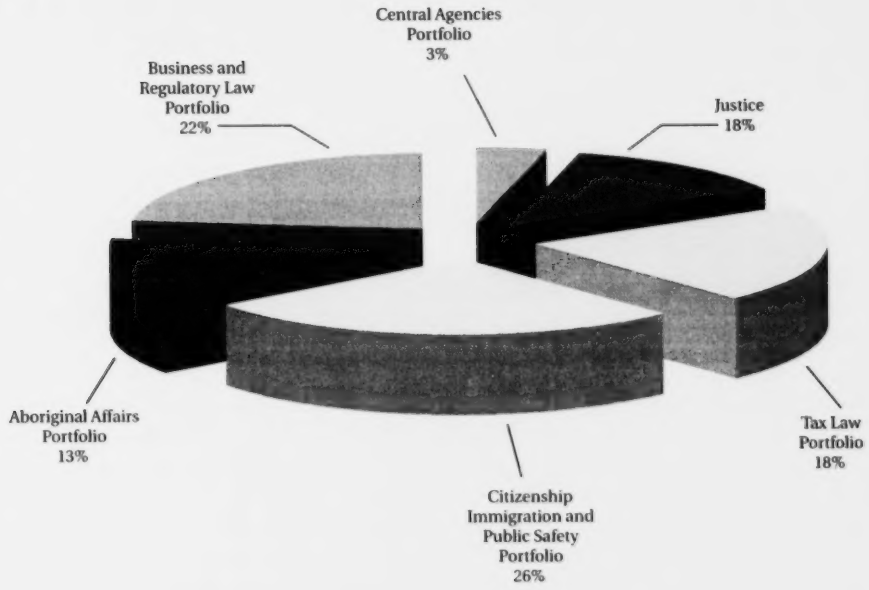
Within this portfolio structure, a significant proportion of the Department's counsel are assigned to one of the 42 departmental legal services units (DLSUs), which are co-located with client departments and agencies. DLSUs provide legal advice to their clients with respect to their powers and duties, and ensure that the conduct of their affairs is in accordance with the law. In doing so, DLSUs also provide advice with respect to the statutes and regulations that apply to the Government of Canada, and strategic advice concerning policy development and other initiatives.

The Department also maintains a number of specialized legal capacities within national headquarters. **The Litigation Branch**, which is comprised of the Civil Litigation Division and the Criminal Litigation Division, has functional responsibility over the litigation in which the Government of Canada is involved and is responsible for extradition, mutual legal assistance and national security. The Department of Justice has a major role to play in representing the interests of the Crown before the courts. The courts are responsible for settling disputes about how the legislative and executive powers of government are handled. The courts interpret and establish law, set standards, and raise questions that affect all aspects of Canadian society. Court decisions provide guidance on what is acceptable conduct and on the nature and limits of law.

The Legislative Services Branch is also unique and provides support to the six portfolios through a range of legislative and regulatory drafting services. The Branch drafts and provides related advisory services for government legislation to establish the legislative framework for Government policies and programs and for regulations made by the Governor in Council and delegates. The Branch is also responsible for the publication of federal laws, notably an electronic consolidation of Acts and regulations that is available on the internet. Revision services are also provided to drafters of tax legislation within the Central Agencies Portfolio.

The Public Law Sector is the centre of expertise for departments and the government as a whole by providing advice on highly specialized areas of law such as human rights law, constitutional and administrative law, information law and privacy, and international public and private law.

Resource Requirements by Portfolio


Central Agencies Portfolio 3%
Business and Regulatory Law Portfolio 22%
Justice 18%
Aboriginal Affairs Portfolio 13%
Tax Law Portfolio 18%
Citizenship Immigration and Public Safety Portfolio 26%

Note: The Justice Portfolio includes the Legislative Branch, Public Law Sector and the Litigation Branch.

Similarly, the **Official Languages Law Group** provides specialized legal advice on language rights to departments, agencies and other federal institutions.

In addition to a national headquarters and a network of legal services units, the Department provides services across the country through a network of regional offices and sub-offices. Six regional offices – serving the North, British Colombia, the Prairies, Ontario, Quebec, and the Atlantic provinces – support the Portfolio structure by serving clients and handling litigation and legal advisory work locally. Roughly half of the Department's staff works in regional offices. Regional staff are responsible for effectively managing a large volume of litigation and for providing advisory services at the local level to client departments. They work closely with their portfolio and policy colleagues to handle complex, high-profile files.

The following sections provide an outline of the key areas of focus across Portfolios for the upcoming year.

Aboriginal Affairs Portfolio

The Aboriginal Affairs Portfolio provides legal, legal policy and strategic advice to federal government departments and agencies on a wide spectrum of Aboriginal law issues related to federal Crown-Aboriginal relations. This involves close collaboration with departments and agencies in support of federal operations, policies, programs and other initiatives on Aboriginal matters.

A key partner is the Department of Indian Affairs and Northern Development and its associated departments and agencies, notably the Office of the Federal Interlocutor for Métis and Non-Status Indians and the Office of the Indian Residential Schools Resolution Canada. It also requires working closely with other sectors of the Department of Justice in support of the Attorney General of Canada, particularly in the context of litigation.

Within the broad spectrum of Aboriginal law, federal counsel focus on key issues relevant to government operations: fiduciary relationship of the Crown with Aboriginal peoples; Aboriginal and treaty rights; *Charter* and other constitutional issues relating to Aboriginal peoples; resolution of Aboriginal claims and historic grievances; and more broadly the role of the law in support of the honour of the Crown and reconciliation between the Crown and Aboriginal Canadians.

The Aboriginal Affairs Portfolio has identified two areas for focus in 2008-2009: providing effective and responsive legal advisory and litigation services in support of the short and medium-term priorities identified in the RPP 2008-2009 of the Minister of Indian Affairs and Northern Development, particularly implementation of the Specific Claims Plan of Action; and offering effective and responsive legal policy and strategic advice to support the federal government to manage key horizontal issues, particularly the consultation and accommodation duties of the federal Crown.

Tax Law Portfolio

The Tax Law Portfolio is responsible for providing a full range of legal services to the Canada Revenue Agency (CRA), including legal advice, litigation services, training, drafting services, legal issues coordination and risk management. The Minister of National Revenue is responsible for more than 30 statutes and regulations. Most legal issues are in the Income tax, GST, and Employment Insurance areas.

The majority of legal services are delivered through regional Tax Law Services (TLS) sections, located in Halifax, Montreal, Ottawa, Toronto, Saskatoon/Winnipeg, Edmonton, and Vancouver. Portfolio headquarters include the Office of the Assistant Deputy Attorney General, the National Litigation Coordinator, and the Legal Services Unit located at the CRA. Portfolio counsel are highly specialized and understand the CRA's business and its responsibility for the administration of tax laws and various social and economic benefit and incentive programs delivered through the tax system.

Counsel provide services on complex issues concerning the CRA's unique governance model, its development of new business partnerships, collection of debts, confidentiality of taxpayer information, excise duties and taxes, income taxation, international taxation, GST/HST, investigation of fraud. The Portfolio also works closely with the Tax Counsel Division at Department of Finance to develop proposals for amendments to federal fiscal statutes and regulations.

For 2008-2009, the Tax Law Portfolio will be engaged in providing high-quality and cost-effective legal services for the CRA; and supporting the CRA to achieve its priorities. For example, legal services will support CRA's focus on detection and resolution of non-compliance, tax collection, and areas of greatest risk. Counsel will provide legal advice on issues regarding the Agency's unique governance model and support the CRA during the design and implementation stages of expanded business, such as for the single corporate income tax for Ontario. TLS will also review their services standards and ensure that their internal reporting is consistent with that of the CRA and responds to the common needs of both the CRA and Justice.

As well, in alignment with the Clerk's priorities of Public Service Renewal, and in light of expected retirements, TLS will be placing greater emphasis on training of counsel and paralegals. Through a new Memorandum of Understanding, they will have more access to technical training provided by the CRA (Compliance Programs Branch). In return, they will deliver to the CRA specific courses to meet their identified needs, as well as continuing to deliver Legal Awareness training across the country. In light of CRA priorities, TLS will adapt their training program in terms of compliance priorities. They will also increase the involvement of our senior counsel to ensure that new and mid-level counsel play important roles in complex files in order that they will be ready to conduct complex cases and render complex legal opinions. The Portfolio will also involve counsel early in the tax assessment process in order to better defend the interests of the CRA and to ensure TLS counsel increase their exposure to tax planning and complex investment schemes.

Central Agencies Portfolio

The Central Agencies Portfolio is responsible for the delivery of legal services to the Department of Finance, the Treasury Board Secretariat, the Canada Public Service Agency, the Canada School of Public Service, the Public Service Commission, the Office of the Superintendent of Financial Institutions, the Financial Transactions and Reports Analysis Centre of Canada and the Financial Consumer Agency of Canada.

Portfolio counsel manage critical horizontal legal, policy and operational issues related to the central agency functions of government. The Portfolio provides legal advice on: federally-registered financial institutions, employer-sponsored pension plans, public service employment and labour law, government operations and public management law, tax law, Crown law, money laundering and terrorist financing, machinery of government, and the federal Budget. The Portfolio is also tasked with representing Treasury Board, deputy heads and separate agencies in labour and employment litigation before the Public Service Labour Relations Board, the Public Service Staffing Tribunal, Appeals Officers under Part II of the *Canada Labour Code*, the Public Servants Disclosure Protection Tribunal, the Federal Court and the Federal Court of Appeal.

While the Legislative Services Branch is responsible for drafting government legislation, Central Agencies Portfolio carries out some legislative and regulatory drafting related to tax legislation and the tax aspects of federal Budget implementation bills.

For 2008-2009, the Central Agencies Portfolio will be working on several important matters including Budget 2008, measures to address terrorist financing, capital markets crime, establishing the Public-Private Partnerships (P3) Office, as well as a number of initiatives and projects in order to support the Department's focus on several thematic areas. These initiatives are: leading the Departmental initiative to increase its capacity to deliver high quality legal advice over the long-term in the area of commercial law; enhancing litigation risk management by implementing its newly-designed tools that provide Portfolio counsel and managers with easy to access and up-to-date information on litigation of interest; developing a "commercial law" brochure for dissemination to students for recruitment purposes; developing knowledge transfer tools in the area of pension litigation and public service employment litigation; development of an electronic inventory of departmental experts in commercial law; additions to, refinements and further demonstrations of the electronic updated FAA commentary; and achieving outreach objectives by enhancing the Portfolio's ability to interact with the business world and the private bar.

Citizenship, Immigration and Public Safety Portfolio

The Citizenship, Immigration and Public Safety Portfolio (CIPS) provides a full range of strategic legal services (legislative, advisory and litigation) to the Department of Public Safety Canada and its component agencies (Correctional Service of Canada, National Parole Board, RCMP, CSIS, and the Canada Border Services Agency) and to the Department of Citizenship and Immigration (CIC). CIPS is also responsible for managing the Department of Justice's Crimes Against Humanity and War Crimes Program.

In 2008-2009, CIPS will assist the government in delivering on important priorities such as maintaining a safe and secure Canada. It will do so by: providing extensive support to the Air India and Iacobucci inquiries and providing advice on the implementation of recommendations made at the conclusion of the Arar inquiry; supporting the government's national security initiatives such as the new National Security Statement and implementing the introduction of a special advocate in security certificate proceedings under amendments to the *Immigration and Refugee Protection Act*; providing advice on security measures required in relation to the 2010 Olympic Games in Vancouver; strengthening border security with amendments to the customs and immigration legislation as well as providing advice related to the arming of CBSA border guards; providing advice related to parole and correction reforms; and coordinating the prosecution of the first person arrested and charged in Canada under the *Crimes Against Humanity and War Crimes Act* for their alleged role in the 1994 Rwandan Genocide.

CIPS will also advise the government with respect to its priority of ensuring Canada's prosperous future by providing advice on various CIC initiatives such as immigrant inventory management, foreign credential recognition and temporary worker reforms. The portfolio will also support the RCMP in its implementation of the David Brown Report and will support CIC in responding to the Safe Third Country Agreement constitutional challenge.

Business and Regulatory Law Portfolio

The Business and Regulatory Law Portfolio is a large and varied group of departmental legal service units (DLSUs) serving 23 client Departments and Agencies whose mandates share a regulatory or business focus. For example, clients of the Business and Regulatory Law Portfolio are involved in science and technological innovation (several departments and agencies), Canadian competitiveness and consumer protection (Industry Canada and the Competition Bureau), health and public health safety of Canadians (Health Canada), environmental protection (Environment Canada), Canada's international roles and commitments (CIDA) and the support of cultural institutions and industries (Canadian Heritage). Portfolio lawyers also advise on federal transportation matters, fisheries management, real property, and energy projects.

Counsel and paralegals in the portfolio advise clients, help manage legal risks, conduct and support cases in courts brought by or against the Crown and assist in the development of regulations and legislation. Many of the portfolio's key clients maintain extensive national presence and thus the portfolio delivers services to regional client departments in most provinces and territories through the network of Departmental regional offices across Canada.

For 2008-2009, the Business and Regulatory Law Portfolio will continue to provide advice and services to client Departments and Agencies on a variety of significant issues and government priorities including to the Department of Canadian Heritage and other departments and agencies in the portfolio contributing to the planning for the 2010 Olympic and Paralympic Winter Games. The portfolio will be engaged in the implementation of the Government of Canada Science and Technology Strategy, and the increased emphasis on public-private research and commercial partnerships. As well, portfolio counsel will play a role in key environmental initiatives by Environment Canada such as limiting greenhouse gas emissions across all major industrial sectors, implementing new legislation respecting bio-fuels and enhancing the federal Government's ability to investigate and prosecute environmental laws.

The Natural Resources Canada DLSU will provide advice and support to streamlining the effectiveness and timeliness of the regulatory system of major natural resources projects. In October, 2007, the Government established a Major Project Management Office (MPMO) to coordinate regulatory activities of departments involved in the regulatory approval of major natural resource projects.

Staff at the CIDA DLSU will provide advice and support to CIDA activities such as increasing the efficiency of international assistance, assisting with the reconstruction and development of Afghanistan and providing mechanisms to encourage companies to make life-saving drugs available to persons in developing countries.

Portfolio counsel will also assist Human Resources and Development Canada in the negotiation and drafting, as well as the implementation, of federal-provincial agreements to transfer labour market programs from the federal government to the provinces.

Justice Portfolio

The Department also provides legal services through the Justice Portfolio to the Minister of Justice and Attorney General of Canada as well as providing legal services in situations where the interests are more broadly the government at large (i.e., the issues are broader than one portfolio).

Performance Results

The table below identifies the four expected outcomes (and the associated performance indicators), which the Department seeks to achieve through its key areas of focus, including: representing the Crown's interests to enable government to attain its priorities; comprehensive delivery on the Government's legislative agenda; client-focused service delivery and effective management of legal risks.

Services to Government – Expected Outcomes and Performance Indicators

Expected Outcomes	Performance Indicators
Representing the Crown's interest to enable government to attain its priorities	- Active and closing advisory and litigation inventory - Workload indicators (and associated costs) - Value of settlements and awards - Crown results for litigation files – final outcome indicators - Significant issues before the courts
Comprehensive delivery on the Government's legislative agenda	- Bills tabled in the House of Commons - Regulations published in the *Canada Gazette* - Government responses to private members bills
Client-focused service delivery	- Client feedback on responsiveness, timeliness and usefulness of legal services
Effective management of legal risks	- Trends in risk profile for litigation inventory - Levels of effort by risk level

SECTION III – SUPPLEMENTARY INFORMATION

Sustainable Development Strategy

The Department of Justice's *Sustainable Development Strategy 2007-2009* has been developed by building on accomplishments and challenges from the three previous strategies, by responding to the government guidance for a more coordinated and consistent approach to implementing sustainable development in the Government of Canada, and by linking sustainable development efforts in the Department to the other key activities under the Department's Program Activity Architecture (PAA).

The Strategy contains three objectives:

- Further develop the capacity of the Department to support the provision of legal services related to sustainable development
- Incorporate sustainable development principles and practices into the Department's policy and program operations
- Improve the environmental sustainability of the Department's physical operations

These objectives, along with their respective targets and performance indicators, are aimed at improving the existing capacity and practices in the Department towards achieving sustainable development in its internal operations, as well as in its work with its client organizations, as appropriate.

Further details on this Sustainable Development Strategy may be obtained at: http://www.justice.gc.ca/en/dept/pub/sds/07_09/index.html

OBJECTIVES/TARGETS	ACTIVITIES
Objective 1: Further develop the capacity of the Department to support the provision of legal services related to sustainable development.	
Target 1.1: The Department's role in providing legal services related to sustainable development is considered, when appropriate.	• Review and analyze recommendations from 2006 Sustainable Development Conference • Organize and conduct a follow-up conference • Training sessions on Legal Services support for SD • Consult with selected client organizations to determine how DoJ legal services support of the client SD strategies can be enhanced
Target 1.2: The Department builds on its current level of awareness of sustainable development by developing a further capacity to provide advice on the legal implications of policy and program decisions related to sustainable development issues facing the government and client departments and agencies, when appropriate.	• Continue sustainable development awareness campaign. • Establish or promote forums (networks, working groups, practice groups) to consider sustainable development in the provision of legal services. • Conduct research and analysis of sustainable development principles and current issues and develop case studies and best practices on the application of sustainable development principles and practices in the provision of legal services. • SD linked to Legal Risk Management • Process developed for the preparation of ministerial responses to environmental petitions • Guidelines are developed to support staff in offering additional advice and services. • Learning and practical tools are developed to assist employees. • Training is offered and conducted to build additional expertise in the Department, when appropriate. • Training tools on sustainable development are produced in collaboration with other government departments and the Canada School of Public Service.

OBJECTIVES/TARGETS	ACTIVITIES
Objective 2: Incorporate sustainable development principles and practices into the Department's policy and program operations.	
Target 2.1: Sustainable development principles and practices are incorporated in the Department's policies and programs, when appropriate.	• Ensure and monitor compliance with 1999 Cabinet Directive on Strategic Environmental Assessments • Develop case studies and best practices on the application of sustainable development principles and practices in program and policy development and in the provision of policy advice • Develop and provide appropriate guidelines and learning tools and deliver training to staff, as appropriate • Develop and use capacity to conduct forward-looking policy and program research and analysis
Target 2.2: Sustainable development activities and principles are integrated in the Department's management and accountability structure.	• Build capacity to integrate sustainable development into Departmental operational business planning • Increase the understanding among the management cadre of the relevance of sustainable development to the work of the Department • Identify key roles and accountabilities and develop specific targets for monitoring progress in meeting sustainable development commitments
Objective 3: Improve the environmental sustainability of the Department's physical operations.	
Target 3.1: Conservation and waste-management practices are significantly improved.	• Intensify activities to raise staff awareness of conservation practices • Increase efforts to reduce consumption of paper • Increase efforts to divert solid waste from landfill • Apply and ensure adherence to Government of Canada accommodation standards • Introduce and encourage measures to reduce energy consumption
Target 3.2: Government Green Procurement Policy is implemented.	• Training is provided to all appropriate managers and staff • Implementation of GPP is tracked, monitored and enforced

List of Online Tables

The following tables are available online through the TBS website.

- Details on Transfer Payment Programs
- Evaluations
- Green Procurement
- Horizontal Initiatives
- Internal Audits
- Services Received Without Charge
- Sources of Respendable and Non-respendable Revenue

SECTION IV – OTHER ITEMS OF INTEREST

Corporate Management

During 2008-2009, the Department will continue its efforts related to excellence in management by continuing to build upon Corporate Priorities in the following areas: Our People; Performance and Reporting; Managing Litigation; and Sustainable Funding.

Our People

The Department is committed to supporting the Clerk's priority of Public Service Renewal. In the spring of 2007, senior management in the Department of Justice approved a three-year Human Resources Management (HRM) Plan (2007-2010) in order to support the achievement of both business and management goals. The departmental HRM Plan provides a comprehensive and integrated approach to improvement in the area of people management and demonstrates how the Department will strengthen its management practices in support of the People Component of the Management Accountability Framework by putting in place the conditions and infrastructure for:

- A workplace that is fair, enabling, healthy and safe; and
- A workplace that is productive, principled, sustainable and adaptable.

The priorities and initiatives in the HRM Plan respond to government-wide priorities such as HR Modernization and the Clerk's Renewal Priorities, including planning, employee development, recruitment and enabling infrastructure. As well, the HRM Plan addresses specific departmental needs including the impending retirements in the senior ranks, most of whom are lawyers, the unionization of lawyers (LAs) in the federal public service, and a new classification Standard for LAs. These factors on their own are having significant and unprecedented impacts on the infrastructure and management policies, programs and practices in DoJ, given that lawyers are the primary business delivery workforce within the Department.

While there are numerous priorities and initiatives identified in the HRM Plan, of highest priority to senior management given the current environment are those related to:

- **Management Accountability and Capacity:** Initiatives focused on strengthening management capacity and better defining management roles, responsibilities and accountabilities will continue to be implemented, as well as the provision of training for managers on their delegated authorities and other core management responsibilities and accountabilities.

  A comprehensive policy review will also continue to ensure that management practices are adapted to and support a unionized work environment and are aligned with the new LA Collective Agreement, once negotiated. Communications and training strategies will also be required to inform employees and managers of the new terms and conditions of employment, as well as enhance manager's knowledge and understanding of employee's collective agreements. Continued delivery of the newly developed three-day Labour Relations management training module and targeted awareness sessions will be key to assist managers with the transition to a unionized work environment and the associated business and corporate culture changes being brought about.

- **Leadership Development:** Initiatives will continue to be undertaken in support of a more strategic and integrated approach to leadership development, aligned with public service-wide strategies and competencies. The leadership development strategy will enable employees in both formal and informal roles, to enhance their skills, knowledge and abilities as current or future leaders and managers within the Department of Justice. As part of the leadership strategy, leadership competencies will also be integrated into learning and development strategies, recruitment/staffing of managers and performance management processes. As well, the Justice Leaders of Tomorrow Program (JLTP), a developmental program designed to enhance participants' key leadership competency skills sets, will be a key component of the development strategy.

  Our departmental Legal Excellence Program (LEP) will be evaluated to determine its effectiveness in recruiting sufficient numbers of high quality articling students that also supports our junior level recruitment needs. In addition, improvements to the program will be identified to ensure it is aligned and integrated with our leadership development and succession strategies. At the other end of the spectrum, we will continue to implement the Accelerated Executive Development Program for senior lawyers that was created last year to ensure a sustained leadership cadre for Justice and the Public Service overall.

- **Succession Planning:** In line with the leadership development strategy, succession planning will be undertaken to address the ageing demographics of the senior management cadre of the Department. Tools and processes will be established to support management in the effective succession of key positions with successors who have the skills and competencies required to ensure sustainable and competent leadership across the Department.

- **Recruitment:** Branding and outreach are key to effective recruitment strategies. Development of a departmental outreach strategy for the legal stream will continue to ensure a strong presence in post secondary institutions, as well as a consistent and integrated approach across the Department. A branding exercise will also be undertaken in support of the outreach strategy and the wider public service branding initiative, identified in the Clerk's Renewal Action Plan.

  Processes and tools will be developed to further enable managers to take full advantage of the modernization flexibilities in their human resources management plans and decisions. In support of this, opportunities will be identified to streamline business processes through the use of technology, recruitment and staffing tools will be developed, as well as continued efforts to enhance integrated business and human resources planning processes.

  As well, DOJ will continue to undertake initiatives in support of employment equity and diversity, employee and organizational well-being, employee development, integrity in the workplace, occupational health and safety, official languages, organizational design and classification, performance management, planning, and recourse and conflict management; all areas further identified in the HRM Plan.

Performance and Reporting

The Department is committed to meeting the expectations and standards set out in the Management Accountability Framework (MAF). To support this commitment, the Department established a new Management Sector in 2007-2008 with a mandate to provide national leadership on all aspects of management, including the development and coordination of essential tools and processes that support the practice of law.

As a result of the government-wide enhancements to the Expenditure Management System, the Department will continue its efforts to strengthen capacity and practices to manage for results through integrated planning, ongoing monitoring of performance and reporting on results. In this regard, the Department will continue to develop and fine tune its tools and processes to assist departmental managers to plan, prioritize, monitor and report on the work performed and assess performance against expected results. This will include better alignment of human resources and financial planning with key areas of activities and expected results and more explicit incorporation of risk analyses into the business planning processes.

At a broader level, the Department will also continue to work with Treasury Board Secretariat (TBS) to refine and implement its departmental performance measurement framework in support of the government-wide Management Resources and Results Structure Policy (MRRS).

Managing Litigation

As part of the Department's ongoing efforts aimed at addressing this Corporate Priority, the Law Practice Management Directorate (LPMD) was established within the Management Sector during 2007-2008. Part of LPMD's function will be to continue to support the Department's initiatives aimed at the prevention and early resolution of disputes across government. Initiatives such as the development and design of departmental Informal Conflict Management Systems (ICMS) across government organizations, and the design and conduct of a targeted mandatory mediation pilot project in the federal government to support the early resolution of disputes, are all aimed at managing the volume of litigation in Justice and across the federal government.

Sustainable Funding

As a follow-up to the Review of Legal Services conducted jointly between the Department and the Treasury Board Secretariat, a long term strategy for addressing sustainable funding for the provision of legal services was approved by Treasury Board. Beginning in April, 2007, the Department of Justice has been providing legal services based on a funding model that includes a mix of appropriation and cost recovery from client departments and agencies.

In 2008-2009, the Department will continue its efforts to work closely with client departments in the ongoing implementation of the net voting authorities for the delivery of legal services. A major area of activities in this regard will be led by LPMD by providing functional guidance and direction across the Department on the business side of the practice of law particularly in areas such as legal information and systems, standard legal service agreements and reporting on legal services.

Legislation for which the Department is Responsible

The Department of Justice exists by virtue of the Department of Justice Act, first passed in 1868. The Act establishes the Department's role and sets out the powers, duties and functions of the Minister of Justice and the Attorney General of Canada. In addition to this general enabling statute, the Minister and the Department have responsibilities under a number of other laws. These range from fairly routine matters, such as tabling the annual report of an agency in Parliament, to broader responsibilities, such as the obligation to review all government bills and regulations for compliance with the Canadian Charter of Rights and Freedoms, the Canadian Bill of Rights and the Statutory Instruments Act. The laws for which the Minister has sole or shared responsibility to Parliament are listed below. [5]

Access to Information Act, R.S. 1985, c. A-1
(responsibility shared with the President of the Treasury Board). [6]

Annulment of Marriages Act (Ontario), R.S.C. 1970, c. A-14.

Anti-Terrorism Act, S.C. 2001, c. 41.

Bills of Lading Act, R.S. 1985, c. B-5 (responsibility shared with the Minister of Transport).

Canada Evidence Act, R.S. 1985, c. C-5.

Canada-United Kingdom Civil and Commercial Judgments Convention Act, R.S. 1985, c. C-30.

Canada Prize Act, R.S.C. 1970, c. P-24.

Canadian Bill of Rights, S.C. 1960, c. 44; reprinted in R.S.C. 1985, Appendix III.

Canadian Human Rights Act, R.S. 1985, c. H-6.

Civil Marriage Act, 2005, c. 33.

Commercial Arbitration Act, R.S. 1985, c. 17 (2nd Supp.).

Courts Administration Service Act, S.C. 2002, c. 8.

Contraventions Act, S.C. 1992, c. 47.

Criminal Code, R.S. 1985, c. C-46 (responsibility shared with the Solicitor General of Canada, [7] and the Minister of Agriculture and Agri-Food (s. 204)).

Crown Liability and Proceedings Act, R.S. 1985, c. C-50.

Department of Justice Act, R.S. 1985, c. J-2.

Divorce Act, R.S. 1985, c. 3 (2nd Supp.).

Escheats Act, R.S. 1985, c. E-13.

Extradition Act, S.C. 1999, c. 18.[8]

Family Orders and Agreements Enforcement Assistance Act, R.S. 1985, c. 4 (2nd Supp.).

Federal Courts Act, R.S. 1985, c. F-7. [9]

Federal Law-Civil Harmonization Act, No.1, S.C. 2001, c. 4.

Firearms Act, S.C. 1995, c. 39. [10]

Foreign Enlistment Act, R.S. 1985, c. F-28.

Foreign Extraterritorial Measures Act, R.S. 1985, c. F-29.

Garnishment, Attachment and Pension Diversion Act, R.S. 1985, c. G-2 (responsibility shared with the Minister of National Defence, Minister of Public Works and Government Services, and Minister of Finance [11]).

Identification of Criminals Act, R.S. 1985, c. I-1.

International Sale of Goods Contracts Convention Act, S.C. 1991, c. 13.

Interpretation Act, R.S. 1985, c. I-21.

Judges Act, R.S. 1985, c. J-1.

Law Commission of Canada Act, S.C. 1996, c. 9.

Legislative Instruments Re-enactment Act, S.C. 2002, c. 20.

Marriage (Prohibited Degrees) Act, S.C. 1990, c. 46.

Modernization of Benefits and Obligations Act, S.C. 2000, c. 12.

Mutual Legal Assistance in Criminal Matters Act, R.S. 1985, c. 30 (4th Supp.).

Official Languages Act, R.S. 1985, c. 31 (4th Supp.).

Postal Services Interruption Relief Act, R.S. 1985, c. P-16.

Privacy Act, R.S. 1985, c. P-21

(responsibility shared with the President of the Treasury Board).[12]

Revised Statutes of Canada, 1985 Act, R.S. 1985, c. 40 (3rd Supp.).

Security Offences Act, R.S. 1985, c. S-7.

Security of Information Act, R.S. 1985, c. O-5.

State Immunity Act, R.S. 1985, c. S-18.

Statute Revision Act, R.S. 1985, c. S-20.

Statutory Instruments Act, R.S. 1985, c. S-22.

Supreme Court Act, R.S. 1985, c. S-26.

Tax Court of Canada Act, R.S. 1985, c. T-2.

United Nations Foreign Arbitral Awards Convention Act, R.S. 1985, c. 16 (2nd Supp.).

Youth Criminal Justice Act, S.C. 2002, c. 1
(replaces Young Offenders Act, R.S. 1985, c. Y-1).

5 This list, prepared in September 2006, is an unofficial version for information only.

6 Responsibility shared with the President of the Treasury Board in the following manner: Minister of Justice (for purposes of paragraph (b) of the definition of "head" in section 3, subsection 4(2), paragraphs 77(1) (f) and (g) and subsection 77(2)); and the President of the Treasury Board (for all other purposes of the Act) (SI/83-108).

7 The portfolio of the Solicitor General of Canada was replaced by the portfolio of Public Safety and Emergency Preparedness on December 12, 2003. The legislation has not yet been amended to reflect this.

8 Section 84 of the new Extradition Act, 1999, c. 18, provides that the repealed Act (R.S. 1985, c. E-23) applies to a matter respecting the extradition of a person as though it had not been repealed, if the hearing in respect of the extradition had already begun on June 17, 1999.

9 Formerly the Federal Court Act. The title was amended to the Federal Courts Act in the Courts Administration Service Act, S.C. 2002, c. 8, s. 14.

10 The Firearms Program was transferred to the Solicitor General (Public Safety and Emergency Preparedness as of December 12, 2003, although the legislation has not yet been amended to reflect this change) as of April 14, 2003. See SOR/2003-145.

11 Responsibility shared in the following manner: (a) Minister of Justice and Attorney General of Canada, General (Part I) (SI/84-5), and for the purposes of sections 46 and 47 of the Act, items 12 and 16 of the schedule to the Act and the other provisions of Part II of the Act as those provisions relate to the Judges Act (SI/84-6); (b) the Minister of National Defence, for the purposes of the provisions, except sections 46 and 47, of Part II of the Act as those provisions relate to the Canadian Forces Superannuation Act and the Defence Services Pension Continuation Act (SI/84-6); (c) the Minister of Finance, for the purposes of the provisions, except sections 46 and 47, of Part II of the Act as those provisions relate to the Members of Parliament Retiring Allowances Act (SI/84-6); and (d) the Minister of Public Works and Government Services, for the purposes of the provisions, except sections 46 and 47, of Part II of the Act as those provisions relate to

(i) the Governor General's Act,

(ii) the Lieutenant Governor's Superannuation Act,

(iii) the Diplomatic Service (Special) Superannuation Act,

(iv) the Public Service Superannuation Act,

(v) the Civil Service Superannuation Act,

(vi) the Royal Canadian Mounted Police Superannuation Act, Part I,

(vii) the Royal Canadian Mounted Police Pension Continuation Act, Parts II and III,

(viii) the Currency, Mint and Exchange Fund Act, subsection 15(2) (R.S. 1952, c. 315)

(ix) the War Veterans Allowance Act, subsection 28(10),

(x) regulations made under Vote 181 of Appropriation Act No. 5, 1961, and

(xi) the Tax Court of Canada Act (SI/84-6).

12 Responsibility is shared in the following manner: Minister of Justice, for purposes of paragraph (b) of the definition of "head" in section 3, subsection 12(3), paragraphs 77(1) (a), (d), (g) and (l) and subsection 77(2); President of the Treasury Board, for all other purposes of the Act (SI/83109).

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Information Online

For more information about the management terms used in this document, please contact the Treasury Board Secretariat's Lexicon for Reporting:
http://www.tbs-sct.gc.ca/est-pre/20052006/lex_e.asp

For more information about the Department of Justice, please consult the following electronic publications:

About the Department of Justice
http://www.justice.gc.ca

Access to Justice in Both Official Languages Support Fund
http://canada.justice.gc.ca/en/ps/ol/official_languages.html

Department of Justice Evaluation Reports
http://www.justice.gc.ca/en/ps/eval/index.html

Department of Justice Internal Audit Reports
http://www.justice.gc.ca/en/dept/pub/audit_reports/index.html

Departmental Performance Report
http://www.tbs-sct.gc.ca/dpr-rmr/2006-2007/inst/jus/jus00-eng.asp

Public Legal Education and Information
http://www.justice.gc.ca/en/ps/pb/prog/legal_ed.html

Report on Plans and Priorities
http://www.tbs-sct.gc.ca/rpp/0708/Jus-Jus/Jus-Jus_e.asp

Research and Statistics
http://www.justice.gc.ca/en/ps/rs/index.html

Sustainable Development Strategy, 2007-09
http://www.justice.gc.ca/en/dept/pub/sds/07_09/index.html

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